

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

CITY OF KANSAS CITY, MISSOURI,

Plaintiff,

v.

**LISA WALKER YEAGER,
(Serve at: 1068 Webster Ave
Kansas City, KS 66104)**

**LISA WALKER YEAGER, trustee
LISA WALKER YEAGER TRUST
(Serve: Lisa Walker Yeager
1068 Webster Ave
Kansas City, KS 66104)**

**NATIONAL HISTORIC SOUL JAZZ
BLUES WALKER FOUNDATION
(Serve: Registered Agent Lisa Walker Yeager
1068 Webster Ave
Kansas City, KS 66104)**

Defendants.

Case No.:

Division:

**VERIFIED PETITION FOR APPOINTMENT OF RECEIVER AND DECLARATION
OF VACANT NUISANCE PROPERTY**

COMES NOW the Plaintiff, City of Kansas City, Missouri, for its cause of action seeking appointment of a receiver of property and states to the Court as follows:

Parties and Jurisdiction

1. The Plaintiff, City of Kansas City, Missouri, ("City") is now and was at all times hereinafter mentioned a municipal corporation duly organized, created and existing under and by virtue of the Constitution and laws of the State of Missouri.

2. The City operates under a constitutional charter adopted by its people for its own

home rule and self-government.

3. The property commonly known as 1600 E 19th Street is located in Jackson County within the municipal boundaries of the City and is legally described as:

WEST 62 FEET OF THE SOUTH 20.57 FEET OF LOT 5 AND THE WEST 62 FEET OF LOT 7,
ELDERS ADDITION, A SUBDIVISION IN KANSAS CITY, JACKSON COUNTY, MISSOURI

Hereinafter, this parcel of property is described as “the Property.”

4. The Property contains two formerly distinct buildings that have been combined into one (“the Structure”). The west portion is two-stories with a basement previously known and utilized as Club Mardi Gras. The east portion is single story.

5. Each building runs across two parallel lots. Lot five is to the north of lot seven. The line between lot five and lot seven bisects the Property, and part of each portion of the Structure falls in both lots.

6. The Lisa Walker Yeager Trust (the “Trust”), is the owner of record of the portion of the Property located in lot 7, as evidenced by a Deed dated March 25, 2016, and recorded with the Jackson County Recorder of Deeds on March 25, 2016, as document number 2016E0026002 (attached hereto as Exhibit 1). Lisa Walker Yeager is believed to be the trustee of the Trust.

7. The National Historic Soul Jazz Blues Walker Foundation (the “Foundation”) is the owner of record of the portion of the Property located in lot 5, as evidenced by a Deed dated March 25, 2016, and recorded with the Jackson County Recorder of Deeds on March 25, 2016, as document number 2016E0026001 (attached hereto as Exhibit 2). The Foundation was dissolved by administrative dissolution on January 3, 2018. Ms. Walker Yeager was the sole incorporator and director of the Foundation, as well as the registered agent for the Foundation. Ms. Walker Yeager has also signed documents as the CEO of the Foundation.

8. Ms. Walker Yeager holds a life estate in the portion of the Property that is located in lot 5, as evidenced by Exhibit 2, which was recorded with the Jackson County Recorder of

Deeds on March 25, 2016.

9. Ms. Walker Yeager has represented herself as the owner of the Property and the agent of the Property on City forms and in testimony before public meetings. Ms. Walker Yeager has filed suit on behalf of the Trust and the Foundation regarding the Property.

10. Pursuant to Sections 506.500, 508.010, 508.030, RSMo, jurisdiction and venue are proper because the Defendants are the owners of record and possessors of the aforementioned Property, which is located in Kansas City, Jackson County, Missouri.

General Allegations

11. By virtue of the authority vested in the City by the Constitution and laws of Missouri, and by its Charter, and by virtue of powers inherent in a municipal corporation, the City has adopted the Code of Ordinances of Kansas City, Missouri ("Code").

12. The Code contains codes and ordinances for the promotion of the health, safety, commerce, comfort, morals, prosperity and general welfare of the public, among which are ordinances to protect the public from vacant nuisance buildings or structures which constitute blight or pose a threat to the health, safety or welfare of the public.

13. Pursuant to the authority granted through Sections 82.1026, et seq., RSMo., the City enacted an ordinance which established procedures to determine whether a vacant building or structure is a vacant nuisance. The ordinance is codified in Chapter 56 entitled the Property Maintenance Code, Article VII, Vacant Building Receiver, Sections 56.600-56.619 of the Code.

14. The ordinance authorized the Director of the Neighborhoods and Housing Services Department ("Department"), or designees within that Department to implement the ordinance.

15. Code Section 56-604 provides that if the nuisance conditions are not abated, remedied or repaired after 60 days from written notice mailed or personally served to any of the

parties in interest, the Director, or the Director's designee may request that the city attorney file a petition for appointment of a receiver to rehabilitate, demolish, and/or sell the property in the circuit court of the state in the county in which the property is located.

Basis For Seeking Receiver For Vacant Nuisance Property

16. Upon inspection, the Director's designee has made the determination that the Property is vacant and a nuisance pursuant to Code Sections 56-600 through 56-619.

17. The Property is vacant under Code Section 56-601 due to the lack of constant presence by human beings with the legal right to be on the property and the cessation of all lawful business operations. Kansas City Water Department's records show that water has been killed.

18. On May 26, 2015, at the request of the Kansas City Fire Department, an inspector with the Dangerous Buildings Section ("Dangerous Buildings") of the Department inspected the Property and discovered several dangerous conditions.

19. On December 11, 2015, Dangerous Buildings issued an Order to Demolish or Repair ("2015 Order") (attached hereto as Exhibit 3), ordering Defendants to immediately vacate and close the Structure, and to demolish or repair the Structure within 30 days. The 2015 Order indicated that the following dangerous conditions existed at the Property in violation of the Code:

- a. Structure lists, leans, and/or is buckled, §56-532(a)(1).
- b. Structure is wrecked, warped, and/or is settled, §56-532(a)(2).
- c. Structure may collapse, § 56-532(a)(3).
- d. Substantial damage to the structure, § 56-532(a)(4).
- e. Dilapidated, detrimental to area, § 56-532(a)(18).

20. On December 29, 2015, a Dangerous Building Certificate of Existence (attached

hereto as Exhibit 4) stating that the Structure was a dangerous building under the Code and that the Property was a public nuisance was duly recorded with the Jackson County Recorder of Deeds as instrument number 2015E0116375.

21. On April 3, 2017, Dangerous Buildings issued a new Order to Demolish or Repair the Property ("April 2017 Order") (attached hereto as Exhibit 5), ordering Defendants to immediately vacate and close the Structure and to demolish or repair the Structure within 30 days. The April 2017 Order identified in the following dangerous conditions of the Property in violation of the Code:

- a. Structure lists, leans, and/or is buckled, §56-532(a)(1).
- b. Structure is wrecked, warped, and/or is settled, §56-532(a)(2).
- c. Structure may collapse, § 56-532(a)(3).
- d. Egress is blocked or insufficient, § 56-532(a)(7).
- f. Unsanitary conditions, unfit, unsafe, § 56-532(a)(10).
- g. Unsafe for the purpose it is used, § 56-532(a)(11).
- h. Violation of code requirements, § 56-532(a)(12).
- i. Fire hazard, deteriorated, § 56-532(a)(14).
- j. Electrical system damaged, unsafe, § 56-532(a)(15).
- k. Dilapidated, detrimental to area, § 56-532(a)(18).
- l. Public nuisance, § 56-532(a)(19).

22. On April 12, 2017, an updated Dangerous Building Certificate of Existence (attached hereto as Exhibit 6) stating that the Structure was a dangerous building under the Code and that the Property was a public nuisance was duly recorded with the Jackson County Recorder of Deeds as instrument number 2017E0032085.

23. On April 17, 2017, Ms. Walker Yeager, on behalf of the Defendants, requested

and was granted a sixty-day extension to comply with the April 2017 Order. The necessary assurances of repair were not provided to the Department by the expiration of the sixty-day extension, June 17, 2017. The dangerous conditions were not abated and the Structure was not repaired.

24. A subsequent revised Order to Demolish or Repair identifying the same dangerous conditions as the April 2017 Order was issued on August 25, 2017 (“August 2017 Order”) (attached hereto as Exhibit 7). The August 2017 Order ordered Defendants to immediately vacate and close the Structure and to demolish or repair the Structure within 30 days.

25. On October 6, 2017, a summons (attached hereto as Exhibit 8) was issued to Ms. Walker Yeager ordering her to appear in Kanas City Municipal Court on October 26, 2017, on charges of failure to repair or demolish the Structure within the time provided by the August 2017 Order.

26. On October 26, 2017, another summons (attached hereto as Exhibit 9) was issued to Ms. Walker Yeager ordering her to appear in Kanas City Municipal Court on November 27, 2017, on charges of failure to repair or demolish the Structure within the time provided by the August 2017 Order.

27. On February 12, 2018, Ms. Walker Yeager plead to the court on the charges stated in both the October 6, 2017 summons and the October 26, 2017 summons. Sentencing was deferred pending abatement.

28. October 4, 2017, pursuant to Ordinance section 56-603, a notice of nuisance conditions and intent to file receivership petition (“Notice”) (attached here to as Exhibit 10) was issued to the Defendants.

a. The Notice was sent through the United States Postal Service through

regular mail.

- b. The Notice instructed the interested parties to abate, remedy or repair the following nuisance conditions within sixty (60) days from the date of the Notice:

- i. There is exterior surface material not protected against weathering. § 56-451 of the Code.
- ii. There is peeling paint on exterior trim. § 56-452 of the Code.
- iii. Panes of windows are cracked, broken or missing. § 56-455 of the Code.
- iv. Windows allow entry of weather. § 56-455 of the Code.
- v. Exterior door not present. § 56-456 of the Code.
- vi. Rotting boards on exterior wall. § 56-452 of the Code.
- vii. Structure has graffiti on exterior walls. § 48-46 of the Code.
- viii. Roof has holes. § 56-453 of the Code.
- ix. Roof is not structurally sound. § 56-453 of the Code.
- x. Hole in exterior wall. § 56-542 of the Code.
- xi. Brick veneer loose on exterior wall. § 56-452 of the Code.
- xii. Bricks missing from exterior wall. § 56-542 of the Code.
- xiii. Gutter in disrepair/sections of downspout missing. § 56-453 of the Code.
- xiv. West exterior brick masonry wall has approximately 12 inches of severe bow. § 56-532(a)(1) of the Code.
- xv. West half of roof structure has partially collapsed. § 56-532(a)(2) of the Code.

- xvi. West half of first and second floors are unstable due to partial collapse. §56-532(a)(3) of the Code.
- xvii. The structure is boarded on the first floor and remains boarded with no means of egress. § 56-532(a)(7) of the Code.
- xviii. The commercial building is unfit and unsafe for human habitation and cannot be used as a commercial building because of the damage to the roof, interior walls, and out of plumb west exterior wall. §§ 56-532(a)(10) and 56-532(a)(11) of the Code.
- xix. The Property is a vacant blight and has a detrimental effect on the general welfare and wellbeing of the community. § 56-532 of the Code.
- xx. The Property's status as a vacant blight adversely affects the property values of surrounding properties. § 56-532 of the Code.
- xxi. The Property, due to the length of vacancy, is an enticement to crime such as trespass and illegal dumping. § 56-532 of the Code.
- xxii. The lack of commercial or use as intended harms the quality of the City. § 50-102 and § 62-89 of the Code.
- xxiii. The current state of the property is a public nuisance because the status of being boarded and the long-term vacancy of the structure is an attractive nuisance for children and open to criminal activity. §§ 56-532(a)(12) and 56-532(a)(19) of the Code.
- xxiv. The property has remained vacant for over 150 days and continues to be vacant. §§ 48-31 and 56-601 of the Code.
- xxv. The property is not currently registered with the City of Kansas

City as a vacant property. § 56-573 of the Code.

- c. The Notice instructed that failure to take action to abate the physical conditions or use or otherwise remedy the specific violations listed in the Notice, or failure to respond to the court proceedings to appoint a receiver may cause the party to lose their interest in the Property.
- d. The Notice further notified the interested parties that if the judge appoints a receiver, the costs and fees of the receiver to rehabilitate, demolish and/or sell the Property will be a lien against the Property until paid.

29. The Structure has not been demolished and the City believes that the dangerous conditions have not been remedied or repaired at the time of the filing of this petition, in violation of the 2015 Order, the April 2017 Order, and the August 2017 Order.

30. The City alleges that all of the nuisance conditions that were listed in the Notice were not abated, remedied or repaired within the sixty (60) days provided in the Notice and have not been abated, remedied or repaired as of the date of the filing of this petition:

- a. There is exterior surface material not protected against weathering. § 56-451 of the Code.
- b. There is peeling paint on exterior trim. § 56-452 of the Code.
- c. Panes of windows are cracked, broken or missing. § 56-455 of the Code.
- d. Windows allow entry of weather. § 56-455 of the Code.
- e. Exterior door not present. § 56-456 of the Code.
- f. Rotting boards on exterior wall. § 56-452 of the Code.
- g. Structure has graffiti on exterior walls. § 48-46 of the Code.
- h. Roof has holes. § 56-453 of the Code.
- i. Roof is not structurally sound. § 56-453 of the Code.

- j. Hole in exterior wall. § 56-542 of the Code.
- k. Brick veneer loose on exterior wall. § 56-452 of the Code.
- l. Bricks missing from exterior wall. § 56-542 of the Code.
- m. Gutter in disrepair/sections of downspout missing. § 56-453 of the Code.
- n. West exterior brick masonry wall has approximately 12 inches of severe bow. § 56-532(a)(1) of the Code.
- o. West half of roof structure has partially collapsed. § 56-532(a)(2) of the Code.
- p. West half of first and second floors are unstable due to partial collapse. §56-532(a)(3) of the Code.
- q. The structure is boarded on the first floor and remains boarded with no means of egress. § 56-532(a)(7) of the Code.
- r. The commercial building is unfit and unsafe for human habitation and cannot be used as a commercial building because of the damage to the roof, interior walls, and out of plumb west exterior wall. §§ 56-532(a)(10) and 56-532(a)(11) of the Code.
- s. The property is a vacant blight and has a detrimental effect on the general welfare and wellbeing of the community. § 56-532 of the Code.
- t. The property's status as a vacant blight adversely affects the property values of surrounding properties. § 56-532 of the Code.
- u. The property, due to the length of vacancy, is an enticement to crime such as trespass and illegal dumping. § 56-532 of the Code.
- v. The lack of commercial or use as intended harms the quality of the City. §§ 50-102 and 62-89 of the Code.

- w. The current state of the property is a public nuisance because the status of being boarded and the long-term vacancy of the structure is an attractive nuisance for children and open to criminal activity. §§ 56-532(a)(12) and 56-532(a)(19) of the Code.
- x. The property has remained vacant for over 150 days and continues to be vacant. §§ 48-31 and § 56-601 of the Code.
- y. The property is not currently registered with the City of Kansas City as a vacant property. § 56-573 of the Code.

Qualifications of the Receiver

31. Pursuant to its authority under 56-602, the Director selected Kansas City, Missouri Homesteading Authority, (“Receiver”) as a receiver for the Property based on due consideration of the following qualifications of the Receiver:

- a. The Receiver has the capacity to perform the sale of the Property including evaluation of qualified buyers.
 - b. The Receiver has demonstrated success with similar projects.
 - c. The Receiver is a non-profit corporation.
 - d. The City believes the Receiver can find a qualified buyer.
32. The Receiver has a plan for sale of the property to a qualified buyer.
33. The Receiver has adequate financial resources to implement the plan for rehabilitation.

WHEREFORE, the City prays that the Court affirm the designee’s findings of vacancy and nuisance condition of the Property, find the Receiver qualified, and appoint and authorize such Receiver to proceed to take possession of the Property and to generally rehabilitate or otherwise manage the Property, and sell it to a buyer.

The City further prays that if a Defendant requests appointment as a receiver and is deemed qualified, that the Court require that said receiver post a bond or enter into an escrow agreement in an amount sufficient to ensure the rehabilitation of the structure to the extent it abates the nuisance and is habitable.

The City further prays that the Court impose a receiver's lien from the date of appointment for amounts subsequently ascertainable by actual expenditures and expenses or loans incurred by the Receiver to sell the Property, based on quarterly reports and the final report submitted to the Court.

The City further prays that the Court authorize the Receiver to:

- (1) Contract for necessary labor and supplies for rehabilitation, demolition, or sale;
- (2) Borrow money for rehabilitation, demolition, or sale of the property and may use the receiver's lien against the property as security;
- (3) Receive and accept grants or donations;
- (4) Enter into leases or other agreements in relation to the property and apply the rent received to current operating expenses and to repayment of outstanding rehabilitation expenses;
- (5) Pay all expenses associated with the operation and conservation of the property, including, but not limited to, all utility, fuel, custodial, repair and insurance costs;
- (6) Pay all accrued property taxes, penalties, assessments, and other charges imposed on the property by a unit of government, as well as any charge of like nature accruing during the pendency of receivership;
- (7) Dispose of all abandoned personal property found on the property;

(8) Sell the property to a qualified buyer as defined in §56-601 via a judicial deed in one of the following manners:

a. Sell the property to the high bidder at public auction, after publishing notice which must include the date and instrument number of the notice of pendency of suit filed pursuant to §56-607 of the Code, the court and case number for the action where the sale was ordered, the names of all parties in interest, the time, the terms and place of sale, and a description of the property to be sold. Such publication shall be given by advertisement, inserted for at least ten times, and discontinued ten days prior to the day of the sale, in some daily newspaper; or

b. Sell the property privately, after publishing notice which must include the date and instrument number of the notice of pendency of suit filed pursuant to §56-607 of the Code, the court and case number for the action where the sale was ordered, the names of all parties in interest, the time, the terms and place of sale, and a description of the property to be sold. Such publication shall be given by advertisement, inserted for at least ten times, and continued to ten days prior to the day of the sale, in some daily newspaper. Sale shall be for fair market value if no party to the receivership objects to the amount and procedure. Objections to the amount of the sale and the sale process shall be ruled on by the court;

(9) Foreclose on the receiver's lien or accept a deed in lieu of foreclosure;

(10) Demolish the building or structure; and

(11) Exercise any other power deemed appropriate by the court.

The City further requests that this Court set the expiration date of the restoration period,

being one year following the appointment of the Receiver; and order that the Defendants named in the petition and their representatives or agents are restrained from having access to the Property during the rehabilitation period, and are divested of any authority to rehabilitate or manage the Property; and for other such relief as is just.

Respectfully Submitted,

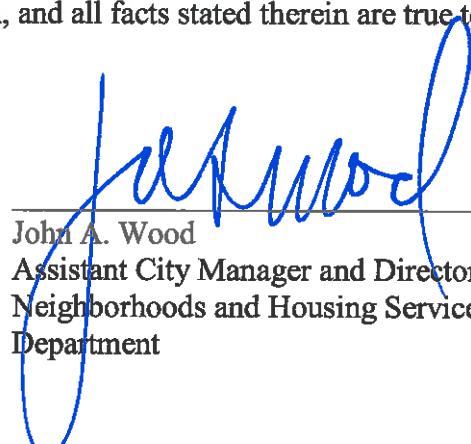
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VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

I, John A. Wood, being first duly sworn, state that I am the Assistant City Manager and Director of the Neighborhood and Housing Services Department in the City of Kansas City, Missouri and that I have read the foregoing petition, and all facts stated therein are true to the best of my knowledge and belief.



John A. Wood
Assistant City Manager and Director of
Neighborhoods and Housing Services
Department

Subscribed and sworn to before me this 9th day of March, 2018.





Notary Public